

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DENNIS ALBA,

Case No. 2:21-cv-01899-GMN-DJA

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA, et al.,

Respondents.

This habeas matter is before the Court on Petitioner Dennis Alba's failure to comply with the Court's Order (ECF No. 3).

Petitioner initiated this case by submitting a Petition for Writ of Habeas Corpus (ECF No. 1-1) in October 2021, but he did not pay the five dollar (\$5.00) habeas filing fee or file an application to proceed *in forma pauperis* ("IFP") for incarcerated litigants. *See* 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. On November 9, 2021, the Court ordered Petitioner to either pay the \$5 filing fee or submit a complete IFP application with all required attachments within 45 days. (ECF No. 3.) Petitioner was warned that a failure to comply by (a) submitting a complete IFP application, or (b) paying the filing fee would result in the dismissal of this action without prejudice and without further advance notice. (*Id.*) In addition, Petitioner submitted his petition on the wrong form and the Court instructed him to file an amended petition on the Court's form within 45 days. (*Id.*) The 45-day deadline expired last month. To date, Petitioner has not filed a completed IFP application, paid the \$5 filing fee, filed an amended petition on the correct form, requested an extension of time, or taken any other action to prosecute this case.

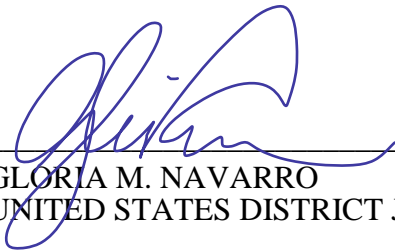
IT IS THEREFORE ORDERED:

1. Petitioner Dennis Alba's Petition for Writ of Habeas Corpus (ECF No. 1-1) is DISMISSED WITHOUT PREJUDICE based his on failure to comply with the Court's Order (ECF No. 3) or the Local Rules of Practice.
2. Petitioner is denied a certificate of appealability, as jurists of reason would not find

dismissal of the petition for the reasons stated herein to be debatable or wrong.

3. The Clerk of Court is instructed to add Nevada Attorney General Aaron D. Ford as counsel for Respondents. No response is required from Respondents other than to respond to any orders of a reviewing court.
4. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk of Court will file the Petition (ECF No. 1-1) and informally serve the Nevada Attorney General with the petition and this order by sending a notice of electronic filing to the Nevada Attorney General's office.
5. The Clerk of Court is instructed to enter final judgment accordingly and close this case.

DATED: February 2, 2022



GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE